

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	<b>Chapter 11</b>
	§	
<b>IGNITE RESTAURANT GROUP, INC., <i>et al.</i>,</b>	§	<b>Case No. 17-33550 (DRJ)</b>
	§	
<b>Debtors.</b>	§	<b>(Jointly Administered)</b>
	§	
<hr/>		
<b>DRIVETRAIN, LLC, As GUC Trustee Of The Ignite Restaurant Group GUC Trust, Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>Adv. Pro. No. 19-03503 (DRJ)</b>
	§	
<b>FACILITY RESPONSE GROUP INCORPORATED,</b>	§	
	§	
<b>Defendant.</b>	§	

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST  
DEFENDANT FACILITY RESPONSE GROUP INCORPORATED**

**TO THE HONORABLE DAVID R. JONES, CHIEF UNITED STATES BANKRUPTCY JUDGE:**

Plaintiff Drivetrain, LLC, as the duly appointed GUC Trustee of the Ignite Restaurant Group GUC Trust (the “GUC Trustee” or “Plaintiff”) of the Ignite Restaurant Group, Inc. (“IRG”) pursuant to Federal Rule of Bankruptcy Procedure 7055 requests entry of default in the above-styled adversary proceeding as to Facility Response Group Incorporated (the “Defendant”) and would respectfully show the Court as follows:

1. On December 1, 2017, the Court entered an order (the “Confirmation Order”) [Docket No. 967] confirming the Debtors’ Joint Chapter 11 Plan as of September 18, 2017 [Docket No. 708] (the “Plan”). The Plan became effective on December 19, 2017 (the “Effective Date”) [Docket No. 1031]. The Plan provides for the establishment of the GUC Trust (“GUC Trust”) and in accordance with the Confirmation Order, Plaintiff was duly appointed through the

GUC Trust Agreement and Declaration of Trust (the "Trust Agreement") as Trustee of the GUC Trust.

2. On the Effective Date, the GUC Trust Causes of Action were transferred to the GUC Trust.

3. The Plaintiff filed its *Complaint for Avoidance and Recovery of Preferential Transfers* [Docket No. 1] (the "Complaint") with this Court on May 29, 2019 against the Defendant.

4. On May 30, 2019, the Clerk of the Court issued a Summons in an Adversary Proceeding (the "Summons"). Under the terms of the Summons, the Defendant's answer to the Complaint was due 30 days after the date of the Summons, or July 1, 2019.

5. On or about, June 3, 2019, the GUC Trustee served the Summons and the Complaint on Defendant by: (i) certified mail, return receipt requested Receipt No. 7017 2400 0000 3936 9009, (ii) certified mail, return receipt requested Receipt No. 7010 3090 0001 8773 6440 and (iii) by first class mail with postage prepaid. A true and correct copy of the return receipt "green cards" evidencing service of the Summons, and the Complaint is attached hereto as **Exhibit "A."**

6. As of the date of this pleading, the deadline for the Defendant to file an answer or other responsive pleading has passed.

7. The Defendant is a corporation and is not an individual in the military service.

8. The case is currently ripe for default judgment. The GUC Trustee respectfully requests that the Court enter a Default Judgment granting the relief requested in the GUC Trustee's Complaint. The GUC Trustee's claim for damages is liquidated and in an amount certain.

**WHEREFORE**, the GUC Trustee requests the Court pursuant to Fed. R. Bankr. P. 7055 and Fed. R. Civ. P. 55 that the Clerk make entry in the Court's docket of the default of the Defendant and enter a Default Judgment granting the GUC Trustee the relief requested in the Complaint, and further requests the Court grant to the GUC Trustee such other and further relief to which the GUC Trustee may be justly entitled.

Dated: December 4, 2019

Respectfully submitted,

**COLE SCHOTZ P.C.**

By: /s/Michael D. Warner

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*Counsel for Plaintiff, DRIVETRAIN, LLC,  
as Trustee of the Ignite Restaurant Group GUC  
Trust*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and correct copy of *Plaintiff's Request for Entry of Default against Defendant Facility Response Group Incorporated* was served upon:

Facility Response Group Incorporated  
c/o The Law Office of Raymond S. Vinton  
Att: Raymond S. Vinton, Esq. & R/A  
6541 Kenwood Avenue  
Dallas, TX 75214-3164

Facility Response Group Incorporated  
Att: Thayer Vinton, President  
100 Crescent Court, Suite 700  
Dallas, TX 75201-2112

by depositing same in the United States Mail, first-class postage affixed thereon, this 4<sup>th</sup> day of December, 2019.

/s/ Michael D. Warner

Michael D. Warner

# **EXHIBIT A**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Anna Barrera</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Facility Response Group Incorporated            Attn: Thayer Vinton, President            100 Crescent Court, Suite 700            Dallas, TX 75201-2112</p>	<p>B. Received by (Printed Name) <i>Anna Barrera</i> C. Date of Delivery <i>6/6/19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 3367 7227 2845 11</p> <p>7017 2400 0000 3936 9009</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>(over \$500)</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input checked="" type="checkbox"/> <i>Ray Vinton</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Facility Response Group Incorporated  c/o The Law Office of Raymond S. Vinton  Attn: Raymond S. Vinton, Esq. &amp; R/A  6541 Kenwood Avenue  Dallas, TX 75214-3164</p>		<p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7010 3090 0001 8773 6440</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Mail Restricted Delivery (1)</p>			
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	





service of the Complaint through the date of this Judgment, and post-judgment interest on said amount at the rate specified in 28 U.S.C. § 1961 from the date hereof until paid in full, plus costs of court as taxed by the Clerk of the Court.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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THE HONORABLE DAVID R. JONES  
CHIEF UNITED STATES BANKRUPTCY JUDGE